



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Starr Richmond, Petroleum UST Release Compensation Board

**FROM:** Ethan Wittkorn, Regulatory Policy Advocate

**DATE:** November 26, 2019

**RE:** **CSI Review – OAC Chapter 3737 Five-Year Review – No Change Rules (3737-1-04.1, 3737-1-05, 3737-1-06, 3737-1-10, 3737-1-11, 3737-1-13, 3737-1-20, and 3737-1-22)**

---

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Board as provided for in ORC 107.54.

#### Analysis

This Petroleum Underground Storage Tank Release Compensation Board (Board) rule package consists of eight no change rules. This rule package was submitted to the CSI Office on October 17, 2019, as part of a statutory five-year review, with the public comment period open through October 31, 2019. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on October 17, 2019.

The rules include coverage reinstatement, supplemental fees, standard and reduced deductibles of fund coverage, financial audits, technical audits, reimbursement application, fees for materials and services, and subrogation. It includes all of the rules the Board proposes no change to at statutory five-year review.

During the period of early stakeholder outreach, the Board notified stakeholders of Board meetings at which the proposed rules were discussed. They sent notifications via e-mail to stakeholders,

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIPublicComments@governor.ohio.gov](mailto:CSIPublicComments@governor.ohio.gov)

including businesses, corporations, environmental groups, chambers of commerce, trade associations, various other organizations, and Gongwer News Service. Additionally, the proposed rules were posted to the Board's website. Following input from staff, stakeholders, and the Board's rules committee, it was determined that the rules remain in their current state and are proposed with no changes. No comments were submitted during the CSI public comment period.

Impacted communities include all of Ohio's underground petroleum tank owners and operators. This currently includes 2,650 private UST owners and an additional 1,500 operated by public entities. Impacts associated with the rules include certification that no release has been suspected or confirmed from a UST for coverage reinstatement, a possible supplemental fee assessed by the board to meet statutory objectives of ORC 3737.91. As well as a \$55,000 standard deductible, \$11,000 reduced deductible for eligible persons, a \$200 fee to elect the reduced deductible, administrative costs associated with the submission of documentation to comply with audits, and administrative costs associated with the submission of documents for a claim reimbursement application. The Board also charges \$.05 per page for paper copies of documents, \$1 per disc of compact disk records from the Board. The Board states that the rules are necessary to satisfy federal EPA rules requiring all U.S. petroleum UST owners to demonstrate financial responsibility, as well as to protect the welfare of the general public through the protection of Ohio's land and water resources.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.